

IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.17004 of 2007
PARMOD RAI @ BAIJU RAI
Versus
STATE OF BIHAR AND ANOTHER

4. 17.9.2008. Heard the learned counsel for the petitioner as also the learned counsel for O.P. No.2 and the learned A.P.P. for the State.

The grievance of the petitioner is directed against the order dated 17.3.2007 passed by the learned Presiding Judge, Fast Track Court No.I, Vaishali at Hajipur in Sessions Trial No.239 of 2005, whereby he has rejected the petition filed by the petitioner for his discharge under Section 228 Cr.P.C.

The petitioner is named in the F.I.R. as also in the chargesheet and there is allegation of specific overt act against him. He is alleged to have assaulted the wife of the informant with farsa on her head with the intention to kill her.

It is by now well settled by a catena of decisions of the Apex Court as also this Court that where there is slightest suspicion regarding the complicity of the accused in the crime charges must be framed. At this stage, the court is not required to see whether there is sufficient evidence against accused which will end in his conviction. What the court is required to see at this stage is that whether there is sufficient material to proceed against him. Gainful reference may be made to the case of the State of Bihar Vs. Ramesh Singh (AIR 1977 SC 2018).

In that view of the matter, I find no merit in this application which is dismissed.

(Abhijit Sinha,J)

P.S.